

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

903A0626

## HOUSE BILL NO. 1187

Introduced by: Representatives Weber, Chicoine, and Lee and Senators Kloucek and  
Hutmacher

1 FOR AN ACT ENTITLED, An Act to allow the referral of certain county actions regarding  
2 concentrated animal feeding operations and to establish certain restrictions on such  
3 operations.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Any county, whether or not the county has adopted zoning ordinances or zoning  
6 regulations, or the voters of the county, using the procedures for initiated measures pursuant to  
7 §§ 7-18A-9 to 7-18A-14, inclusive, may adopt an ordinance to prohibit the establishment in the  
8 county of any concentrated animal feeding operation if the operation would include a number of  
9 animals equal to or greater than one thousand animal units or may adopt an ordinance to prohibit  
10 any expansion of an existing concentrated animal feeding operation that would cause the  
11 operation to equal or exceed one thousand animal units.

12 Section 2. Any decision of a board of county commissioners or of a county planning  
13 commission or board of adjustment related to the establishment or expansion of a concentrated  
14 animal feeding operation in the county, whether the decision is a legislative or administrative  
15 decision or action by the county, is referable pursuant to §§ 7-18-15 to 7-18A-24, inclusive.

1       Section 3. In any county in which no zoning ordinances or regulations are in force pursuant  
2   to chapter 11-2, no concentrated animal feeding operation that would include a number of  
3   animals equal to or greater than one thousand animal units may be located within two miles of  
4   any residence unless a member of the household is an owner or contractor of the concentrated  
5   animal feeding operation, and no such operation may be located within three miles of the  
6   boundaries of any municipality or within three miles of any public water supply. No existing  
7   concentrated animal feeding operation in any such county may be expanded to equal or exceed  
8   one thousand animal units if the operation is located within three miles of the boundaries of a  
9   municipality, within three miles of a public water supply, or within two miles of a residence in  
10   which no member of the household is an owner or contractor of the concentrated animal feeding  
11   operation operation.